

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WISCONSIN**

ROCKWELL AUTOMATION, INC. and
ROCKWELL AUTOMATION
TECHNOLOGIES, INC.

Plaintiffs,

v.

WAGO CORPORATION and WAGO
KONTAKTTECHNIK GMBH & CO. KG

Defendants.

Case No. 3:10CV718-WMC

The Hon. William M. Conley

DECLARATION OF GILBERTO E. ESPINOZA

I, Gilberto E. Espinoza, state as follows:

1. I am one of the attorneys representing Defendants WAGO Corporation and WAGO Kontakttechnik GmbH & CO. KG in connection with the above-captioned matter, and I submit this declaration in support of WAGO's Response to Plaintiffs' Submission and Amended Submission Regarding Late-Produced Documents Responsive to the Court's September 21, 2012 Contempt Order, and WAGO's Motion to Admit DTX 604-38 and 660-63. I am over the age of 18. I have personal knowledge of the matters set forth in this declaration. If called as a witness, I am competent to testify to those matters.

2. On or about July 27, 2012, a paralegal from my office ordered from the United States Patent and Trademark Office the certified file histories of the four patents then being asserted in this case. On or about August 22, 2012, I received the four certified file histories including the certified file history of United States Patent No. 6,801,813 ("the '813 patent").

3. On or about September 3–5, 2012, counsel for WAGO searched Rockwell’s website and discovered DTX 660–662 after Cindy Hollenbeck of SoftPLC Corporation informed counsel of the existence of the Rockwell 1747 Open Controller.

4. On or about September 5, 2012, counsel for WAGO found DTX 663 searching the Internet after having learned that Rockwell had acquired the company that created Controlware in the mid-1990s.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 6th day of October 2012.

/s/ Gilberto E. Espinoza

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Certificate Of Service

I HEREBY CERTIFY that on this 6th day of October, 2012, a copy of the foregoing document was filed electronically with the Clerk of the Court using the CM/ECF system and was served on the following counsel as indicated below.

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/s/ Gilberto E. Espinoza

Gilberto E. Espinoza